

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 1444 of 2017(O&M)

Date of decision: 24.1.2017

Sunil Kumar

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jaspreet Singh, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.40 dated 23.06.2016 registered with Police Station Women Panchkula, District Panchkula for offence punishable under Sections 328, 354-D, 363, 506 of the Indian Penal Code, 1860 (in short 'IPC') and Section 10 of the Protection of Children from Sexual Offences Act, 2012.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of State of Haryana.

Counsel for the petitioner has submitted that as per version given by the prosecutrix in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, main allegations have been raised against Hem Raj but said Hem Raj has not been arrested till date. It is further submitted that material witnesses in the case have been examined, therefore, there is no possibility of the petitioner tampering with the prosecution witnesses, in case released on bail, as he is in custody since 24.06.2016. The last submission made by counsel is that the petitioner is ready to face the proceedings, in accordance with law, without any default.

Counsel for the respondent-State has conceded to the factual assertions but opposed the bail application with the plea that in view of gravity of allegations, the petitioner does not deserve to be enlarged on bail.

Concededly, the challan has been presented only against the present petitioner. Material witnesses have already been examined. There are no such allegations that the petitioner is likely to flee from the process of justice, in case released on bail. As conclusion of the trial is likely to take some time, without commenting upon merits of the case, petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

JANUARY 24, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no